

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

NES EQUIPMENT RENTALS, L.P.

PLAINTIFF

V.

CAUSE NO.: 3:07CV76-SA-SAA

**HARVEY C. GREEN CONSTRUCTION
COMPANY, INC., ET AL.**

DEFENDANTS

ORDER ON MOTIONS

Pursuant to an opinion issued this day,

- 1) Mandal's Motion for Summary Judgment [42] is denied as moot in part and premature in part.
- 2) NES Equipment Rentals' Motion for Summary Judgment [44] is granted in part and denied as premature in part.
- 3) Harvey C. Green Construction Company's Motion for Summary Judgment [46] is denied as premature.
- 4) Lexington Insurance Company's Motion to Intervene [63] is granted.

So **ORDERED**, this the 15th day of December, 2008.

**/s/ Sharion Aycock
U.S. DISTRICT COURT JUDGE**